

ethics COMPASS



Ethics Announcements • Hot Topics • Trainings • Updates • Tidbits, Tips & More

Ethics in the News

COMMERCE GETS A NEW SECRETARY

On February 27, 2017, Wilbur L. Ross, Jr. was sworn in as the 39th Secretary of Commerce. As some news reports have indicated, the confirmation process includes an ethics review—what does that entail?

When a nominee is identified the individual sends a draft financial disclosure report to the agency's ethics office, the Office of Government Ethics (OGE)—an independent agency in the Executive Branch—and the Office of the Counsel to the President (or the Presidential Transition Team). Ethics officials in these offices look at every position and financial interest to determine whether retaining the position or financial interest will interfere with the nominee's ability to perform the duties of the position because of the dis-

qualification that is required by each employment and financial interest. If a position or interest presents a problem, the nominee must resign the position or



divest the asset. (In fact, usually Presidential appointees are required to resign from all outside positions, even if they do not present a potential conflict of interest.) Actions to be taken

are then included in an "ethics agreement" that the nominee signs; this is sent to the Senate committee considering the nomination, along with letters from the most senior agency ethics official and the Director of OGE advising that the nominee will be able to perform the duties of the position consistent with ethics requirements in light of the actions the nominee has agreed to take. If the Senate agrees (and finds no other problems), the individual is confirmed by the Senate.

Mr. Ross is the first Commerce appointee in the Trump Administration to successfully go through this sometimes grueling and difficult process. Commerce employees are now waiting for him to be joined by other senior officials who will also need to navigate this road.

MARCH REMINDERS

- **FEB. 15** was the deadline to file a Form 450 Confidential Financial Disclosure Report; if you have not filed your report, please do so **immediately!**
- New employees have **3 months** to complete ethics training
- Form 278 Filers must file transaction reports within **30 DAYS** of the sale or purchase of securities
- Form 278 Filers must file written notice within **3 DAYS** of beginning non-Federal employment negotiations

Critic's Corner: *Ethics and Oscar®*

Which of the following films nominated for a best picture Academy Award® features an example of a Federal ethics law violation?

- A. Arrival
- B. Fences
- C. Hidden Figures
- D. La La Land
- E. Manchester by the Sea
- F. Moonlight

(for the answer, see p. 2)



Ethics Spotlight: BRIBES VS. GIFTS

Everyone knows that employees generally cannot be accepted from anyone with matters before Commerce (which includes almost everyone), some exceptions apply, such as for gifts of \$20 or less or gifts from a friend or relative or a public service award (in some cases). Invitations to receptions/dinners are a type of gift and they can be accepted if approved by a supervisor as beneficial to Commerce (preferably after advice from an ethics official).

Interestingly, the gift rules are stricter for political appointees than for career employees—political appointees cannot accept gifts from lobbyists in most cases. To add to the confusion, salary supplementations, like bribes, are also illegal—when someone outside the Government offers to pay an employee's salary or add to it (you aren't making enough working for the Feds, let me add a little extra). Believe it or not, such offers have been made to Commerce employees—they are illegal for anyone working more than 130 days per year.

Ask Ethicina

Dear Ethicina,

My boss is getting married this summer and I was invited. I know about the ethics rule limiting gifts to supervisors but I feel funny sending a \$10 wedding present. What can I do to comply with both ethics rules and etiquette rules?

Sincerely,
About-to-Be-Embarrassed



No worries, Pumpkin, ethics rules actually let you give gifts "appropriate to the occasion" for major life events, such as a wedding. Therefore, you may send a present greater than \$10. And, by the way, etiquette rules do not require the sending of a wedding present, it is just a charming custom (although admittedly a custom all wedding guests are expected to follow). - E

Poetry Corner

An Ethics Cinquain

Ethics –
the way we live
how we were taught to act
the standard we set for ourselves
self-pride!

OFFICE OF THE MONTH:

ETHICS LAW AND PROGRAMS DIVISION

Commerce is one of the few Government departments that has centralized its ethics operations, which means that no matter where you work within Commerce, when you have an ethics issue you should contact the Ethics Law and Programs Division in Commerce's Office of the General Counsel. The Ethics office is also unique among Commerce legal offices in that it is not only responsible for providing advice to employees about laws within its area of expertise, but it also is a program office—operating two Department-wide programs that are mandated by regulation: the Ethics Training Program and Financial Disclosure Report Program. Part of ADTRAX (see last month's *Ethics Compass*), Ethics attorneys and program specialists have been particularly busy during the past several months working on Transition issues—providing guidance to political appointees who left the Government at the end of President Obama's term and assisting new employees who will serve as part of President Trump's Administration.

Ethics and Oscar®

Answer [Warning: SPOILER ALERT!]

The answer is **A**. *Arrival* features an ethics violation—rogue Federal soldiers use Government equipment and nonpublic information to take matters in their own hands when they disagree with U.S. policies. The institutional racism (and sexism) depicted in a Federal agency in *Hidden Figures* would eventually be ruled as unconstitutional but was not illegal at the time. Federal employees do not have a role in the other movies.

Ethics questions?

Contact the Ethics Attorney of the Day:

EthicsDivision@doc.gov or 202-482-5384



Poe the Corgi loves going on hikes, but not during duty hours.

Pets of the Month

UNETHICAL ANIMALS

This unethical animal lives with
**Christine Hammer, Attorney Advisor in
the Ethics Law & Programs Division.**

We want to see your pets!

Please submit photos of your pet's adorably bad behavior by emailing us [here](#).



Poe is hoping for a snow day so he can wear his booties.